

Appl. No. 10/817,506  
Amdt. Dated August 15, 2007  
Reply to Office Action of February 21, 2007

Attorney Docket No. 89188.0060  
Customer No.: 26021

REMARKS/ARGUMENTS:

Claims 1, 2, and 20-33 are canceled without prejudice. Claims 3-10 are amended. New claims 34 and 35 are added. Support for new claims 34 and 35 can be found in original claims 5 and 6. Claims 3-19, 34, and 35 are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

The present invention includes methods for inducing differentiation, selective enrichment and/or promoting proliferation of regulatory T cells. More particularly, the present invention relates to an adoptive immunotherapy using a composition enriched for a T cell population whose marker is CD4<sup>+</sup>CD25<sup>+</sup> and expresses Interleukin (IL)-10. (Applicant's specification, at p. 1, lines 17-20).

ALLOWABLE SUBJECT MATTER:

The Office objected to claims 3, 4, and 7-10 as being dependent upon a rejected base claim but states that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, the Applicant rewrote claims 3, 4, and 7-10 in the manner suggested by the Office. Withdrawal of this objection and allowance of claims 3, 4, and 7-10 is thus respectfully requested.

New claims 34 and 35 depend from amended claim 4 and are therefore, patentable for at least the same reasons as claim 4.

Claims 11-19 are allowed.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102:

Claims 1, 5, and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Cohen et al. (U.S. Patent No. 5,993,803). This rejection is moot with

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respect to claim 1 due to the cancellation of this claim. The Applicant respectfully traverses this rejection as to amended claims 5 and 6.

Claims 5 and 6 now depend from amended claim 3, which was rewritten in independent form. The Office states that claim 3 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Claims 5 and 6 are therefore, allowable for at least the same reasons as amended claim 3. Withdrawal of this rejection and allowance of claims 5 and 6 is thus respectfully requested.

Claims 1, 2, 5, and 6 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Young et al. (U.S. Patent Publication No. 2006/0177461 A). This rejection is moot with respect to claims 1 and 2 due to the cancellation of these claims. The Applicant respectfully traverses this rejection as to amended claims 5 and 6 for the reasons discussed above. Withdrawal of this rejection and allowance of claims 5 and 6 is thus respectfully requested.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310) 785-4600 to discuss the steps necessary for placing the application in condition for allowance.

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If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,  
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